

NOTICE OF INDEPENDENT REVIEW DECISION

Date: April 8, 2003

RE: MDR Tracking #: M2-03-0751-01-SS
IRO Certificate #: 5242

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ___ for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by an orthopedic surgeon physician reviewer who is board certified in orthopedic surgery. The orthopedic surgeon physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for a determination prior to the referral to for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

Recorded on 11/20/02 is herniated nucleolus pulposus at C3-4, C4-5 and C5-6. This does not agree with CT scan of the cervical spine following discography of 11/06/02 where there is no focal disc herniation at C3-4, no focal disc herniation at C5-6 and only a focal disc "protrusion" in the midline at C4-5 with some compression of the anterior thecal sac. A clinical diagnosis of radiculopathy has been made. This does not agree with electromyogram nerve conduction studies as reported on 10/09/02 where at that time there was no electrophysiological evidence of mononeuropathy, diffuse poly neuropathy, myopathy, or frank radiculopathy.

Requested Service(s)

Anterior cervical fusion and Depuy allograft and anterior cervical plating at C4-5 and C5-6.

Decision

The request is not medical necessary.

Rationale/Basis for Decision

A two level fusion has been recommended while a discography procedure of 11/06/02 indicates a verbal pain score of 9/10 at C3-4, 9/10 at C5-6, and 9.5/10 at C4-5. In light of the lack of objective documentation of significant disc herniation at any level, both on myelogram and CT as well as lack of objective documentation of radiculopathy by electromyogram nerve conduction studies, the requested intervention is not deemed to be medically necessary at this time.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10** (ten) days of your receipt of this decision (20 Tex. Admin. Code 142.5(c)).

If disputing other prospective medical necessity (pre-authorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) days of your receipt of this decision (28 Tex. Admin. Code 148.3).

This Decision is deemed received by you 5 (five) days after it was mailed (28 Tex. Admin. Code 102.4(h) or 102.5(d)). A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Workers' Compensation Commission, P.O. Box 40669, Austin, Texas, 78704-0012. **A copy of this decision should be attached to the request.**

The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute (Commission Rule 133.308 (t)(2)).

Sincerely,

cc:

In accordance with Commission Rule 102.4(h), I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requester and claimant via facsimile or U.S. Postal Service from the office of the IRO on this 8 th day of April 2002.
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